

REMARKS

Claims 1-5 are pending in the application. Claims 1, 2, 4, and 5 have been amended herein merely to address the Examiner's claims of indefiniteness. Favorable reconsideration of the application, as amended, is respectfully requested.

I. ALLOWABLE SUBJECT MATTER

Applicant again notes with appreciation the indicated allowability of claim 4.

II. COMMENTS ON THE DRAWINGS

The Examiner has withdrawn the objections to the drawings, but states that "it is strongly suggested" that Applicant clearly define in the specification and claims that the second restoring device is a guide and does not maintain the mass in the position shown in Fig. 2. At the outset, Applicant appreciates the Examiner's withdrawal of the objection.

Applicant agrees with the Examiner that the second restoring device does not actually "maintain" the mass. Rather, following an acceleration or deceleration, the mass is maintained in position by the engaging device 12 interacting with the notches 19. For example, the application states: "By virtue of the engaging device 12, which is formed by the stop bolt 17, the stop spring 18, and the locking notches 19 on the mass 11, during normal driving the mass 11 always stays in the basic position illustrated here [Fig. 2]." (Substitute Specification at page 7, lines 1-4.) In addition, the engaging device "holds the mass in the deflected position when an acceleration or deceleration acting on the mass has moved it into the deflected position." (Substitute Specification at page 3, lines 9-13.) The second restoring device operates particularly when an acceleration or deceleration occurs when a movable receptacle is open, and the second restoring device helps ensure that the mass may return to its basic position during such an event:

“This is safeguarded by the second restoring device 14 (see Figure 3), the contour of which ensures that the holding claw 21 is pressed in the direction of the recess 20 and hence the mass returns to its basic position again.” (Substitute Specification at page 8, lines 21-24.) Applicant submits, therefore, that the application appropriately describes that the engaging device “maintains” the mass, and that the second restoring device ensures that the mass “returns” to the basic position under the applicable circumstances. Accordingly, no further amendments have been made in this regard.

III. REJECTION OF CLAIMS 1-5 UNDER 35 USC §112, 2ND ¶

Claims 1-5 stand rejected under 35 USC §112, second paragraph, as being indefinite. Specifically, the Examiner indicates that it is unclear whether the receptacle is intended to be part of the claimed invention, or simply a statement of intended use. The Examiner suggests that the receptacle be claimed more positively, “i.e., a safety locking mechanism in combination with a receptacle in a vehicle.” (Final Office Action at ¶ 3.) Claim 1 has been amended in accordance with the Examiner’s suggestion, and therefore the rejection should be withdrawn.

The Examiner also states that claims 1, 2, 4, and 5 are indefinite in the use of the phrase “receptacle or *other object*”. The Examiner states that it is unclear what the term “other object” refers to, and suggests the use of an alternative phrase such as “compartment with a movable member” or similar. Claims 1, 2, 4, and 5 have been amended in accordance with the Examiner’s suggestion, and therefore the rejection should be withdrawn.

IV. REJECTION OF CLAIM 5 UNDER 35 USC §112, 1ST ¶

Claim 5 stands rejected under 35 USC §112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Examiner states that it is unclear

how the second restoring device 14 will maintain the mass 11 in channel 20 as the restoring rib 24 moves over the second restoring device 14. The same rejection was made in the previous Office Action.

Applicant notes initially that the Examiner does not appear to respond to Applicant's arguments regarding this rejection in response to the previous Office Action. Applicant is unsure if the Examiner agrees with Applicant's arguments and the present rejection is a remnant from the previous Office Action. Clarification is respectfully requested.

In response to the previous Office Action, Applicant explained that claim 5 defines the safety locking mechanism as including a second restoring device 14 effective by movement of the receptacle 4 from the open into the closed position. As is discussed in the present application, the mass 11 includes a holding claw 21 (see, e.g., Fig. 2). The holding claw 21 moves or extends into the region of the undercut 22, whereas the restoring rib 24 rides over the second restoring device 14. (Substitute Specification at page 7, lines 12-15). During such time as the receptacle is closing, the second restoring device 14 (e.g., walls 14 in Figs. 2 and 3) presses the holding claw 21 in the direction of the recess 20, and hence the mass 11 returns to its basic position. (Substitute specification at page 8, lines 19-24).

In other words, if the movable compartment is open when the acceleration or deceleration occurs, the compartment would have a tendency to close in a manner comparable to operation of the conventional push-push opening mechanism. The compartment could then fly loose. (See Substitute Specification at page 4, line 22 to page 5, line 10.) The second restoring device, being "effective by movement . . . from the open into the closed position", prevents this.

Accordingly, applicant respectfully submits that it is clear from the specification how the second restoring device 14 operates. The Examiner has consistently stated that it is unclear how the second restoring device "maintains" the mass 11. It should be noted, however, that neither claim 5 nor the specification states that the second

restoring device “maintains” the mass 11. Rather, as also shown above in the discussion of the drawings, the second restoring device ensures that the mass returns to its basic position in the event an acceleration or deceleration occurs while the movable compartment is open. Applicant, therefore, respectfully requests withdrawal of the rejection.

V. REJECTION OF CLAIMS 1-3 AND 5 UNDER 35 USC §102(b)

Once more, claims 1-3 and 5 stand rejected under 35 USC §102(b) based on *Fukumoto* (US 5052728).

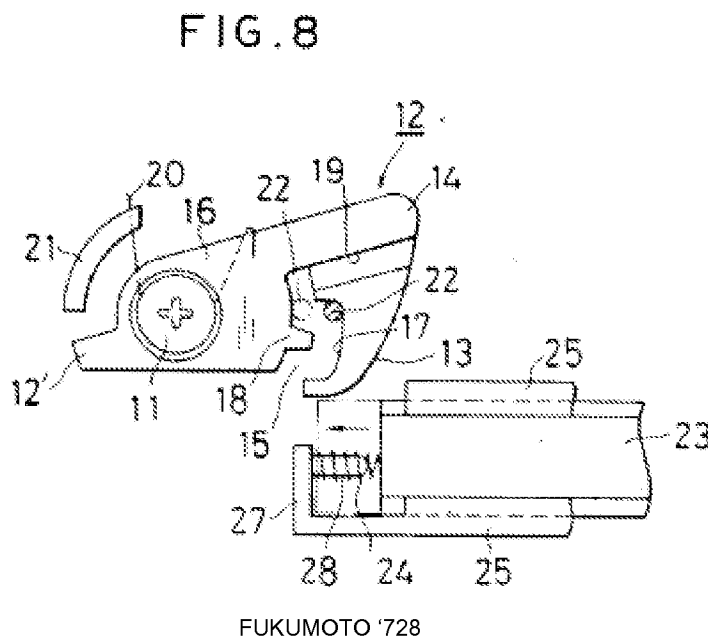
Fukumoto exemplifies the prior art, as described in the application. “Safety locking mechanisms are known per se. Their function is to prevent a receptacle from opening . . . especially in the event of a front-end or rear-end collision.” (Substitute Specification at page 1, lines 18-20.) When an accident involves multiple collisions, however, such devices may not work because the prior art devices are not intended to lock over a series of multiple accelerations/decelerations. The locking mechanisms can disengage. Additional accelerations from multiple impacts may then mimic manual operation of a push-push mechanism to open the receptacle, creating a dangerous situation. (See Substitute Specification at page 2, lines 14-18.)

In the present invention, however, an engaging device maintains a mass in the locked position to keep the receptacle closed over multiple impacts. “The engaging device keeps the receptacle closed even when the acceleration/deceleration is no longer effective. The receptacle is thus not opened by further inertial forces, as occur during an accident, acting on the receptacle.” (Substitute Specification at page 3, lines 13-16.) In this manner, one is protected against the receptacle coming loose over multiple impacts. The locking mechanism may be disengaged by a manual overpressure, i.e., a slow building pressure, which differs from the sudden acceleration

or deceleration one would experience from a collision. (See Substitute Specification at page 3, line 17 to page 4, line 8.)

Accordingly, claim 1 recites in part a safety locking mechanism including an engaging device which holds the mass in the deflected position; and a restoring device, effective in response to an overpressure, to direct the mass back into the basic position.

Referring to Fig. 8 of *Fukumoto* (reproduced herein), the Examiner equates the cam lever 12 with the mass recited in claim 1. The Examiner goes on to equate the inertia stopper 23 in *Fukumoto* with the engaging device recited in claim 1. The Examiner refers to coiled spring 24 as constituting the claimed restoring device.

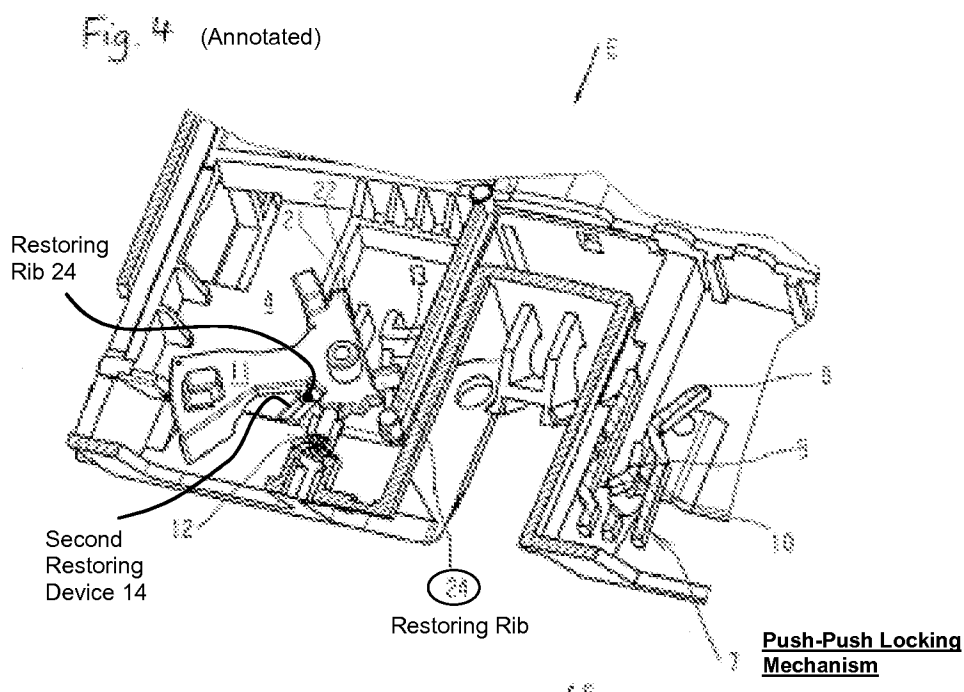


As noted by the Examiner, in response to the previous Office Action, Applicant argued that the cam lever 12 does not provide a safety locking mechanism. The cam lever 12 is part of a conventional push-push mechanism, and is not held in the deflected position during an accident. The Examiner responds that the cam lever *is* held in the deflected position by stopper 23, and the cam lever 12 provides a safety mechanism because it blocks the movement of pin 22, which holds the receptacle closed. (See Final Office Action at ¶ 13.) Applicant respectfully disagrees with the Examiner's analysis.

In essence, what the Examiner has done is equate a conventional push-push mechanism with the claimed locking device. In *Fukumoto*, cam lever 12 in conjunction with pin 22 of the moveable body 2 serves to provide a conventional push-push locking mechanism. (See, e.g., Col. 5, ln. 9 to Col. 6, ln. 2 of *Fukumoto*). This passage merely

describes a conventional push-push locking mechanism such as that described in the background section of the present application. The cam lever 12 itself does not provide a safety locking mechanism. That is why *Fukumoto* goes on to describe the feature of inertia stopper 23 in order to provide such safety function. (See, e.g., Col. 6, Ins. 3-16).

As such, element 12 and the related components of *Fukumoto* actually are analogous to the push-push locking mechanism 7 described in the application: “The push-push locking mechanism 7 ensures that the receptacle 4 is locked as it closes and unlocked when light pressure is applied to the front cover 5 for opening.” (Substitute Specification at page 6, lines 14-16.) Fig. 4 of the application is reproduced below as representative. As seen, the push-push locking mechanism 7, being conventional, is not even part of the claimed locking mechanism depicted on the left side of the figure. For this reason alone, *Fukumoto* does not anticipate the claimed invention.



Upon consideration of the Examiner's rejections and response to Applicant's arguments, Applicant submits that the Examiner has misinterpreted the operation of various components of the device of *Fukumoto*. Referring again to Fig. 8 above, *Fukumoto* teaches a safety locking system that differs from the claimed invention in several respects. Upon a sudden stop or collision, the inertia stopper 23 moves against the biasing force of the coiled spring 24 (shown in phantom in Fig. 8). Such movement brings the inertia stopper 23 into slide contact with the side surface of the backward end of the front inclined surface 13. This permits the pin 22 to escape from the recess 17, but the pin 22 cannot enter the straight upward slope 19 and, therefore, the moveable body 2 cannot move to its open position and is thus kept closed. (Col. 6, Ins. 51-68).

In addition, contrary to the Examiner's statement in response to Applicant's arguments, cam lever 22 *is not* held in the deflected position by the stopper 23. Significantly, *Fukumoto* teaches: "As soon as the automobile is free from the force of inertia, ... the inertia stopper 23 moves away from the cam lever until [the] front end thereof abuts on the tongue-like member 26 by the biasing force of the coiled spring 24. As a result, the moveable body 2 can be moved to its open position again by pushing the movable body 2 held in its closed position inward through operation plate 7." (Col. 7, lines 1 and 6-12.) In other words, the typical push-push operation is immediately restored, which would result in a dangerous situation in the event of multiple impacts. This is the precise deficiency of prior art devices referenced in the background section of the application, and overcome by the claimed invention.

With respect to the quoted passage of *Fukumoto* in the previous paragraph, the Examiner further states in the Final Office Action that Applicant does not claim whether the receptacle is in the open or closed position, and that the receptacle in *Fukumoto* is held closed during an accident. (See Final Office Action at ¶ 15.) The device of *Fukumoto*, however, does not operate in the manner claimed.

Analyzing with reference to the claim language, the inertia stopper 23 in *Fukumoto* does not "hold the mass in the deflected position", as recited in claim 1. Rather, the inertia stopper 23 serves to deflect the cam lever 12 during a sudden stop or

collision. The basic position is then restored immediately. The inertia stopper 23 by no means holds the cam lever 12 in the deflected position, as it is clear in *Fukumoto* that the inertia stopper 23 returns to its original position “as soon as the automobile is free from the force of inertia”.

In response to the previous Office Action, Applicant also argued that *Fukumoto* does not teach the claimed restoring device. In response to these arguments, the Examiner states that *Fukumoto* teaches that an overpressure applied to the receptacle moves the mass (cam lever 12) back into its basic position. (See Final Office Action at ¶ 14.) Applicant again respectfully disagrees.

In the device of *Fukumoto*, the basic position is restored with no exertion of an overpressure. More specifically, cam lever 12 returns from its deflected position to its basic position as a result of the inertia stopper 23 moving away from the cam lever 12 due to the biasing force of the coiled spring 24. This happens independently of the movable body. Again analyzing with respect to the claim language, there is no “restoring device, effective in response to an overpressure”. The alleged “overpressure” from *Fukumoto*, as referenced by the Examiner, is apparently a mere description of the restored conventional push-push operation following the result of an impact. This is not overpressure as that term is used in the claimed invention.

As a result, the safety locking mechanism taught in *Fukumoto* does not achieve the advantages of the present invention, for the mechanism is not reliable in the case of a series of accelerations and decelerations of different intensities. (See, e.g., Substitute Specification at page 2, lines. 14-18). In accordance with the present invention, however, the mass is held in the deflected position by the engaging device after the first acceleration or deceleration. The mass remains held, and thus the receptacle remains locked and closed, until the user pushes the receptacle with an overpressure.

For at least the above reasons, Applicant respectfully submits that *Fukumoto* does not teach or suggest the features of the claimed invention. Withdrawal of the rejection is respectfully requested.

VI. CONCLUSION

Accordingly, all claims 1-5 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Respectfully submitted,

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